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## FACSIMILE

Date: May 2, 2007

To:	Fax No.:	Phone No.:
PCT Division Request For Refund	571-273-0459	571-272-4300

From:	Stanislav Antolin Registration No. 34,979	Phone:	336.378.5516
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Re:	Serial No. 10/590,117 Confirmation No. 2821	371 Date:	11/06/2006
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Number of Pages with Cover Page: 7

## Message:

Please see the attached Request For Refund.

Thank you for your kind assistance with this matter.

RECEIVED  
2 MAY 2007  
Legal Staff  
International Division

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Greensboro Atlanta Raleigh

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: VESEL, Alenka *et al.*  
Application Serial No. 10/590,117  
Filed: 18 August 2006  
Confirmation No. 2821  
International Application No. PCT/SI2005/000003  
International Filing Date: 26 January 2005

Art Unit: 2858

For: **METHOD AND DEVICE FOR MEASURING ULTRAHIGH VACUUM**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

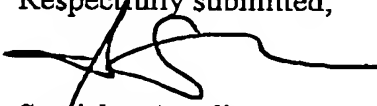
**REQUEST FOR REFUND**

Dear Sir:

The basic national fee in the amount of \$300 was paid in accordance with 37 CFR 1.492(a) at the time the above-referenced application was filed. The Written Opinion prepared by the European Patent Office as the International Searching Authority and submitted with the filing papers for this application indicates that all claims satisfy the provisions of PCT Article 33(1)-(4), thereby eliminating the need to pay search and examination fees (a copy of the Written Opinion is attached hereto). However, the search and examination fees in the amount of \$400 and \$200, respectively, were charged to Deposit Account No. 502190 on April 16, 2007. Please refund these fees.

If any fees are due in connection with this submission, the Commissioner is hereby authorized to charge them to Deposit Account No. 502190.

Respectfully submitted,

  
Stanislav Antolin  
Reg. No. 34,979  
SMITH MOORE LLP  
P.O. Box 21927  
Greensboro, NC 27420  
(336) 378-5516

Date: May 2, 2007

Docket No.: 5007653.001US1

RECEIVED  
2 MAY 2007Legal Staff  
International Division**CERTIFICATE OF TRANSMISSION**

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING FACSIMILE TRANSMITTED TO THE U.S. PATENT AND TRADEMARK OFFICE, PCT DIVISION (FAX NO. (571) 273-0459) ON May 2, 2007  
(Date of Transmission)

Lorna D. Selvaggio

Name of Depositor

  
Signature

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)Applicant's or agent's file reference  
see form PCT/ISA/220**FOR FURTHER ACTION**  
See paragraph 2 belowInternational application No.  
PCT/SI2005/000003International filing date (day/month/year)  
26.01.2005Priority date (day/month/year)  
23.02.2004International Patent Classification (IPC) or both national classification and IPC  
G01L21/34Applicant  
INSTITUT JOZEF STEFAN

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - Gitschiner Str. 103  
D-10958 Berlin  
Tel. +49 30 25901 - 0  
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Authorized Officer

Zafiroopoulos, N

Telephone No. +49 30 25901-630



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**International application No.  
PCT/SI2005/000003**Box No. I Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**International application No.  
PCT/SI2005/000003**Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Yes: Claims	1-8
	No: Claims	
Inventive step (IS)	Yes: Claims	1-8
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

**2. Citations and explanations****see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/SI2005/000003

**Re Item V.**

- 1 Reference is made to the following document:

D1: GB 722 788 A (SIEMENS & HALSKE AKTIENGESELLSCHAFT) 26 January 1955 (1955-01-26)

- 2 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):  
A method for measuring vacuum by means of a cold cathode pressure gauge. The current of the gauge is maintained constant and the pressure is measured as a function of the voltage.

From this, the subject-matter of independent claims 1 (method) and 3 (device) differs in that:

The ion current flow is maintained at its maximum value at all times.

The subject-matter of independent claim 2 differs in that:

The current flow will be maintained at its maximum value at all times, wherein the voltage controlled source, based on the calibration of the gauge, will set the voltage, for a given pressure, to the value that has been previously stored as optimal.

- 2.1 The subject-matter of claims 1-3 is therefore novel (Article 33(2) PCT)  
The problem to be solved by the present invention may be regarded as:  
Improvement of the sensitivity of the gauge and accuracy of the measurement.

- 2.2 The solution to this problem proposed in claims 1-3 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The maximum current (claims 1,3) is stable and presents no discontinuities or oscillations, making pressure readings more accurate and simpler. The gauge has a greater sensitivity because it operates at the maximum value.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

**PCT/SI2005/000003**

The control of the voltage source (claim 2), based on calibration stored values, provides faster response of the gauge by using less complex hardware.

- 2.3 Claims 4-8 are dependent on claim 3 and as such also meet the requirements of the PCT with respect to novelty and inventive step.